

JOURNAL OF THE SENATE [March 4, 1971]

STATE OF WISCONSIN

# Senate Journal

## Eightieth Session

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THURSDAY, March 4, 1971.

9:30 o'clock A.M.

The senate was called to order by the president of the senate.

The prayer was offered by Reverend Conrad Wilcox of the Blackhawk Avenue Evangelical Free Church, Madison, Wis.

The roll was called and the following senators answered to their names:

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—31.

Absent with leave—Senator Krueger—1.

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### AMENDMENTS OFFERED

Senate amendment 1 to Senate Bill 135 by Senator Dorman.

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### BILLS INTRODUCED

Read first time and referred:

#### Senate Bill 247

Relating to reporting of real estate broker's trust accounts on renewal applications.

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**By Senator Lorge.**

**To committee on Commerce, Labor, Taxation, Insurance and Banking.**

### **Senate Bill 248**

**Relating to allowing the juvenile judge to authorize needed medical services for children.**

**By Senators Soik, Busby, Parys, Schuele, Devitt and Kendziorski, by request of Milwaukee County.**

**To committee on Health and Social Services.**

### **Senate Bill 249**

**Relating to conditional parole of county jail prisoners by the sheriff.**

**By Senators Frank, Soik, Busby, Schuele and Devitt, by request of Milwaukee County.**

**To committee on Health and Social Services.**

### **Senate Bill 250**

**Relating to exempting property sold at fund raising events held by municipal and volunteer fire departments from the sales tax.**

**By Senators Roseleip and Lourigan.**

**To joint Survey committee on Tax Exemptions.**

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## **COMMITTEE REPORT**

**The committee on Judiciary reports and recommends for introduction:**

### **Senate Bill 251**

**Relating to a revision of juvenile court procedure.**

**By request of Judicial Council.**

**Ayes, 5; Noes, 0**

**Read first time and referred to committee on Judiciary.**

**And further recommends:**

### **Senate Joint Resolution 24**

**A senate joint resolution providing for an advisory referendum on prompt cease fire and prompt withdrawal of United States troops and equipment from Southeast Asia.**

**Adoption; Ayes, 4; Noes, 1.**

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### **Assembly Bill 1**

Relating to direct action against others for negligence.  
Concurrence; Ayes, 5; Noes, 0.

### **Assembly Bill 37**

Relating to waiver by the court of hearings on petitions.  
Concurrence; Ayes, 5; Noes, 0.

**ALLEN J. BUSBY,**  
Chairman.

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## **PETITIONS AND COMMUNICATIONS**

### **Senate Petition 29**

A petition by 25 citizens of the 13th Senatorial District opposing any and all types of legislation dealing with liberalizing the abortion laws in the State of Wisconsin.

By Senator McKenna.

Read and referred to the committee on Health and Social Services.

### **Senate Petition 30**

A petition by 20 citizens of Jefferson County opposing any and all types of legislation allowing unmarried people under the age of 18 to buy or use contraceptives of any kind.

By Senator McKenna.

Read and referred to committee on Health and Social Services.

### **Senate Petition 31**

A petition by 16 citizens of Jefferson County opposing any and all types of legislation giving aid to parochial schools.

By Senator McKenna.

Read and referred to committee on Education.

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## MOTIONS

By request of Senator Soik, with unanimous consent, Senate Joint Resolution 25 was withdrawn from the committee on Commerce, Labor, Taxation, Insurance and Banking and referred to the joint Survey committee on Tax Exemptions.

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## MOTION UNDER JOINT RULE 26

The State of Wisconsin \* \* \* Citation by the Legislature  
Know you by these presents:

Whereas, Constance Hayes was crowned queen at the Portage Winter Carnival on Friday, February 26, 1971 and will serve as the Portage city queen for the year 1971; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Bidwell and Representative R. M. Thompson, under Joint Rule 26, send our congratulations and best wishes for your reign as queen.

Read and adopted.

Senator Lorge asked unanimous consent to return to the 9th order of business.

Senator Whittow objected.

Senator Lorge moved that the senate return to the 9th order of business.

Senator Whittow moved a

## CALL OF THE SENATE

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

The roll was called and the following senators answered to their names:

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler,

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**Knowles, Knutson, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—31.**

**Absent with leave—Senator Krueger—1.**

**By request of Senator Keppler, with unanimous consent, the senate stood informal for 5 minutes.**

**9:45 A.M.**

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**The senate reconvened.**

**9:50 A.M.**

**By request of Senator Lorge, with unanimous consent, the motion to return to the 9th order of business was withdrawn.**

**The purpose for which the call was placed having been resolved the call of the senate was raised.**

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**CALENDAR OF THURSDAY, FEBRUARY 25**

**Senate Bill 35**

**An act to create 66.028 of the statutes, relating to annexation of town islands.**

**Senator Hollander moved rejection of senate amendment 5.**

**The ayes and noes were demanded and the vote was: ayes, 16; noes, 15; absent or not voting, 1; as follows:**

**Ayes—Senators Busby, Chilsen, Cirilli, Dorman, Frank, Heinzen, Hollander, Kendziorski, Knowles, McKenna, Parys, Risser, Schuele, Soik, Steinhilber and Whittow—16.**

**Noes—Senators Bidwell, Devitt, Johnson, Keppler, Knutson, LaFave, Lorge, Lotto, Lourigan, Martin, Murphy, Peloquin, Roseleip, Swan and Thompson—15.**

**Absent or not voting—Senator Krueger—1.**

**The bill was ordered to a third reading.**

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Senator Johnson requested that the bill be considered for final action at this time.

Senator LaFave objected.

### **Senate Bill 39**

Relating to speed limits in the vicinity of schools and school crossings.

Read a second time.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, the bill was considered for final action at this time.

### **Senate Bill 39**

Read a third time and passed.

### **Senate Bill 77**

Relating to purchase of firearms by Wisconsin residents in contiguous states.

Read a second time.

Ordered to a third reading.

By request of Senator Keppler, with unanimous consent, the bill was considered for final action at this time.

### **Senate Bill 77**

Read a third time and passed.

### **Senate Bill 86**

Relating to reimbursement to counties for policing expressways of the state trunk system.

Read a second time.

By request of Senator Hollander, with unanimous consent, the bill was referred to joint committee on Finance.

### **Senate Joint Resolution 5**

To amend Article X, Section 2 (intro.) of the constitution, relating to the elimination of the requirement that state forfeitures and fines be deposited in the school fund (1st consideration).

Read a third time.

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Senator Lorge moved rejection of Senate Joint Resolution 5.

Senator Heinzen asked unanimous consent that the resolution be returned to the amendable stage.

Senator Risser objected.

The president pro tempore in the chair.

10:25 A.M.

Senator Heinzen moved that the rules be suspended and that the vote by which Senate Joint Resolution 5 was ordered to a third reading be reconsidered.

The ayes and noes were required and the vote was: ayes, 13; noes, 18; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Chilsen, Cirilli, Devitt, Dorman, Heinzen, Keppler, Knutson, LaFave, Lorge, Murphy, Peloquin and Thompson—18.

Noes—Senators Busby, Frank, Hollander, Johnson, Kendziorski, Knowles, Lotto, Lourigan, McKenna, Martin, Parys, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—18.

Absent or not voting—Senator Krueger—1.

So the motion to reconsider the vote by which Senate Joint Resolution 5 was ordered to a third reading did not prevail.

The question was: Rejection of Senate Joint Resolution 5?

The ayes and noes were required and the vote was: ayes, 5; noes, 25; absent or not voting, 2; as follows:

Ayes—Senators Devitt, Dorman, Heinzen, Lorge and Thompson—5.

Noes—Senators Bidwell, Busby, Chilsen, Cirilli, Frank, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—25.

Absent or not voting—Senators Krueger and LaFave—2.

So the motion to reject Senate Joint Resolution 5 did not prevail.

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**Senate Joint Resolution 5** was read a third time.

The question was: Adoption of **Senate Joint Resolution 5**?

The ayes and noes were required and the vote was: ayes, 25; noes, 6; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Dorman, Frank, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—25.

Noes—Senators Devitt, Heinzen, LaFave, Lorge, Peloquin and Thompson—6.

Absent or not voting—Senator Krueger—1.

So the joint resolution was adopted.

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## CALENDAR OF FRIDAY, FEBRUARY 26

### **Senate Joint Resolution 13**

To amend article IV, section 24 of the constitution, relating to the authorization of bingo for certain purposes (1st consideration).

Read a second time.

Senator Kendziorski moved rejection of **Senate Joint Resolution 13**.

The president of the senate in the chair.

11:05 A.M.

The question was: Rejection of **Senate Joint Resolution 13**?

The ayes and noes were required and the vote was: ayes, 11; noes, 20; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Johnson, Kendziorski, Knowles, Knutson, Lourigan, Peloquin, Risser, Soik, Swan and Thompson—11.

Noes—Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Keppler, LaFave, Lorge, Lotto,



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McKenna, Martin, Murphy, Parys, Roseleip, Schuele, Steinhilber and Whittow—20.

Absent or not voting—Senator Krueger—1.

So the motion to reject Senate Joint Resolution 13 did not prevail.

Amendment 1 to Senate Joint Resolution 13 offered by Senators Keppler and Lotto.

Senate amendment 1 adopted.

Amendment 2 to Senate Joint Resolution 13 offered by Senator Soik.

Senator Lorge raised the point of order that amendment 2 is not germane.

The chair ruled the point of order well taken and that amendment 2 is not germane.

The question was: Shall Senate Joint Resolution 13 be ordered to a third reading?

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### LEAVE OF ABSENCE

Upon motion of Senator McKenna, with unanimous consent, Senator Thompson was granted a leave of absence for the balance of today's session.

The ayes and noes were required and the vote was: ayes, 18; noes, 10; absent or not voting, 2; paired, 2; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Frank, Heinzen, Hollander, Keppler, LaFave, Lorge, Lotto, Martin, Murphy, Parys, Roseleip, Schuele, Steinhilber and Whittow—18.

Noes—Senators Bidwell, Dorman, Johnson, Kendziorski, Knowles, Knutson, Peloquin, Risser, Soik and Swan—10.

Absent or not voting—Senators Krueger and Lourigan—2.

Paired—Senator McKenna for Senate Joint Resolution 13; Senator Thompson against Senate Joint Resolution 13—2.

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So Senate Joint Resolution 13 was ordered to a third reading.

Senator Keppler requested that Senate Joint Resolution 13 be considered for final action at this time.

Senator Risser objected.

Senator Lorge moved that the rules be suspended and Senate Joint Resolution 13 be considered for final action at this time.

The ayes and noes were required and the vote was: ayes, 20; noes, 8; absent or not voting, 4; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Frank, Heinzen, Hollander, Johnson, Keppler, LaFave, Lorge, Lotto, McKenna, Martin, Murphy, Parys, Schuele, Steinhilber, Swan and Whittow—20.

Noes—Senators Bidwell, Dorman, Kendzierski, Knowles, Knutson, Peloquin, Risser and Soik—8.

Absent or not voting—Senators Krueger, Lourigan, Roseleip and Thompson—4.

More than 2/3 of the members having voted in the majority the rules were suspended and Senate Joint Resolution 13 was considered for final action at this time.

### Senate Joint Resolution 13

Read a third time.

The ayes and noes were required and the vote was: ayes, 18; noes, 9; absent or not voting, 3; paired—2; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Keppler, LaFave, Lorge, Lotto, Martin, Murphy, Parys, Schuele, Steinhilber and Whittow—18.

Noes—Senators Bidwell, Johnson, Kendzierski, Knowles, Knutson, Peloquin, Risser, Soik and Swan—9.

Absent or not voting—Senators Krueger, Lourigan and Roseleip—3.

Paired—Senator McKenna for Senate Joint Resolution 13, Senator Thompson against Senate Joint Resolution 13—2.

So Senate Joint Resolution 13 was adopted.

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Upon request of Senators Roseleip and Lourigan, with unanimous consent, the record will show that had they been present, they would have voted "aye," but could not due to having been called to the Governor's office.

By request of Senator Keppler **Senate Joint Resolution 13** was ordered engrossed.

### **Senate Bill 30**

Relating to authorizing counties to provide county public defenders.

Read a second time.

By request of Senator Hollander, with unanimous consent, **Senate Bill 30** was withdrawn from the calendar and referred to joint committee on Finance.

By request of Senator Whittow, with unanimous consent, **Senate Joint Resolution 13** was ordered immediately messaged.

### **Senate Bill 61**

Relating to dismissal of faculty members at public universities for certain convictions.

Read a second time.

Senate amendment 1 adopted.

Senator Risser moved indefinite postponement of **Senate Bill 61**.

The ayes and noes were demanded and the vote was: ayes, 7; noes, 22; absent or not voting, 3; as follows:

Ayes—Senators Cirilli, Dorman, Kendzierski, Knowles, McKenna, Peloquin and Risser—7.

Noes—Senators Bidwell, Busby, Chilsen, Devitt, Frank, Heinzen, Hollander, Johnson, Keppler, Knutson, LaFave, Lorge, Lotto, Lourigan, Murphy, Parys, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—22.

Absent or not voting—Senators Krueger, Martin and Thompson—3.

So the motion for indefinite postponement of **Senate Bill 61** did not prevail.

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By request of Senator Soik Senate Bill 61 was re-referred to the committee on Judiciary.

### **Senate Bill 71**

Relating to permitting counties to enact drunk driving ordinances.

Read a second time.

The bill was ordered to a third reading.

By request of Senator Keppler, with unanimous consent, the bill was considered for final action at this time.

By request of Senator Parys, with unanimous consent, the senate returned to the 3rd order of business.

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## **INTRODUCTION OF RESOLUTIONS**

### **Senate Joint Resolution 27**

To amend article IV, section 24 of the constitution, relating to eliminating the prohibition against legislative authorization of lotteries (1st consideration).

By Senators Parys and Schuele; co-sponsored by Representatives Gaulke, Jones and Bolle. To committee on Judiciary.

By request of Senator Parys, with unanimous consent, the senate returned to the 4th order of business.

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## **INTRODUCTION OF BILLS**

Read first time and referred:

### **Senate Bill 252**

Relating to the abolition of the board of school directors in cities of the 1st class and the transference of all their duties and functions to the common council in such cities.

By Senators Parys and Schuele; co-sponsored by Representatives Bultman, Kleczka and Stalbaum.

To committee on Housing and Urban Development.

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### **Senate Bill 253**

Relating to the effect of senate rejection of a gubernatorial nominee.

By Senators Parys and Swan.

To committee on Governmental and Veterans' Affairs.

By request of Senator Lorge the senate returned to the 5th order of business.

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## **COMMITTEE REPORTS**

The committee on Commerce, Labor, Taxation, Insurance and Banking reports and recommends:

The appointment by the Governor of Philip E. Lerman of Milwaukee as a member of the Industry, Labor and Human Relations Commission, to succeed Stanley York, to serve for the remainder of the unexpired term ending June 1, 1971.

Confirmation; Ayes, 5; Noes, 0.

### **Senate Resolution 7**

Relating to a study of employe retirement pension funds and the need for regulations thereof.

Adoption; Ayes, 5; Noes, 0.

### **Senate Joint Resolution 20**

An act memorializing congress as to a formula for revenue sharing.

Rejection of senate amendment 1; Ayes, 4; Noes, 1 and adoption; Ayes, 4; Noes, 1.

### **Senate Bill 169**

Relating to updating state income tax references to federal income tax law.

Passage; Ayes, 4; Noes, 1.

### **Assembly Bill 53**

An act relating to requiring medical payments coverage on automobile liability insurance policies.

Adoption of senate amendment 1; Ayes, 3; Noes, 2 and non concurrence; Ayes, 5; Noes, 0.

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### **Assembly Bill 54**

Relating to uninsured motorist coverage.

Non concurrence; Ayes, 5; Noes, 0.

GERALD D. LORGE,  
Chairman.

The joint committee on Finance reports and recommends for introduction:

### **Senate Bill 254**

Relating to accounting systems for municipalities.

Ayes, 12; Noes, 0.

Read first time and referred to committee on Housing and Urban Development.

And further recommends:

### **Senate Bill 58**

Relating to agricultural classification of land for purposes of taxation.

Adoption of senate amendment 1; Ayes, 12; Noes, 0 and passage as amended; Ayes, 10; Noes, 2.

### **Senate Bill 171**

Relating to reports by the interstate cooperation commission.

Emergency statement recommended; Ayes, 12; Noes, 0 and passage with emergency statement; Ayes, 12; Noes, 0.

WALTER G. HOLLANDER,  
Chairman.

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## MESSAGE FROM THE ASSEMBLY

By Thomas P. Fox, chief clerk.

Mr. President:

I am directed to inform you that the assembly has adopted and asks concurrence in:

Motions under Joint Rule 26:

A joint certificate of Congratulations by Representatives Azim and Duren; co-sponsored by Senator Roseleip to the

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Riverdale High School wrestling team—Gary Gutnecht and Tim Drone won State Championships in their respective classes.

A joint certificate of Commendation by Representatives Roberts and Greider; co-sponsored by Senator Knutson to Dr. Sigurd B. Gunderson, Sr. and Alf H. Gunderson on their retirement from the staff of the Gunderson Clinic and La-Crosse Lutheran Hospital.

A joint certificate of Congratulations by Representative Schowalter; co-sponsored by Senator Keppler to the Port Washington High School wrestling team who won the 28th annual State Wrestling Tournament.

**Assembly Joint Resolution 38 and  
Assembly Joint Resolution 39.**

**Passed and asks concurrence in:**

**Assembly Bill 210.**

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### **MESSAGE FROM THE ASSEMBLY CONSIDERED**

The 3 Motions under Joint Rule 26 were read and concurred in en-masse.

#### **Assembly Joint Resolution 38**

A joint resolution granting the use of the senate and assembly chambers and related legislative facilities for conducting a Model Legislature on April 2 and 3, 1971.

By request of Senator Keppler, with unanimous consent, Assembly Joint Resolution 38 was considered at this time.

#### **Assembly Joint Resolution 38**

**Read and concurred in.**

#### **Assembly Joint Resolution 39**

A joint resolution relating to the life and public service of Mr. Joseph Clancy.

#### **Assembly Joint Resolution 39**

**Privileged and taken up at this time.**

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By request of Senator Lorge the entire senate was made co-author of Assembly Joint Resolution 39.

### **Assembly Joint Resolution 39**

Read and concurred in by unanimous rising vote.

### **Assembly Bill 210**

Relating to labor management relations.

Read first time and referred to joint committee on Finance.

By request of Senator Risser, with unanimous consent, Assembly Bill 210 was withdrawn from the joint committee on Finance and referred to the committee on Commerce, Labor, Taxation, Insurance and Banking.

Senator Lorge requested that Senate Bill 112 be withdrawn from the committee on Commerce, Labor, Taxation, Insurance and Banking and referred to the calendar.

Senator Keppler moved that Senator Lourigan and Senator Roseleip be recorded as voting on Senate Joint Resolution 13.

Senator Risser moved a

### **CALL OF THE SENATE**

Which motion was supported.

The sergeant-at-arms was directed to close the doors and the clerk to call the roll.

The roll was called and the following senators answered to their names:

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—29.

Absent—Senator Knutson—1.

Absent with leave—Senators Krueger and Thompson—2.

By request of Senator Risser, with unanimous consent, the senate recessed for 5 minutes.

12:45 P.M.



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**Senate reconvened.**

**12:50 P.M.**

Senator Keppler withdrew the motion to record Senator Lourigan and Senator Roseleip as voting on the roll call, on Senate Joint Resolution 13.

The question on which the call was placed being resolved the call of the senate was raised.

### **Senate Bill 35**

Senator Peloquin moved reconsideration of the vote by which Senate Bill 35 was ordered to a third reading.

By request of Senator McKenna, with unanimous consent, Senate Bill 35 was laid over to the calendar of March 9th.

### **Senate Bill 30**

Was withdrawn from the joint committee on Finance and placed at the foot of the 12th order of business on the calendar of Friday, February 26, by request of Senator Hollander.

By request of Senator Keppler, with unanimous consent, all actions not previously messaged were ordered immediately messaged.

On motion of Senator Keppler, the senate adjourned today in honor of St. Casimir Day.

On motion of Senator Johnson, the senate also adjourned in honor of Senator Busby's birthday, the dean of the senate.

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On motion of Senator Keppler the senate adjourned until Friday, March 5th at 9:00 A.M.

**1:00 P.M.**

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**INTRODUCTION OF GUESTS**

**Senator Lourigan introduced: Mr. and Mrs. John Cyzak, Mr. and Mrs. Carrol Schwer, Mr. Donald MacCready, Mrs. Roy O. Andersen, from Kenosha, Wisconsin.**

**Senator Schuele introduced: former Representative James McCann of Milwaukee, Wisconsin.**

**Senator Devitt introduced: Mr. Frank Meyer, Greenfield, Wisconsin.**